

1 RIMAC & MARTIN
A Professional Corporation
2 JOSEPH M. RIMAC – CSBN 72381
WILLIAM REILLY – CSBN 177550
3 KEVIN GILL – CSBN 226819
1051 Divisadero Street
4 San Francisco, CA 94115
w_reilly@rimacmartin.com
5 Telephone: (415) 561-8440
Facsimile: (415) 561-8430
6

MCGUINN, HILLSMAN & PALEFSKY
7 CLIFF PALEFSKY (State Bar No. 77683)
KEITH EHRMAN (State Bar No. 106985)
8 535 Pacific Ave.
San Francisco, CA 94133
9 KAEMHP@aol.com
Telephone: (415) 421-9292
10 Facsimile: (415) 403-0202

11 Attorneys for Plaintiff
HUGO SLUIMER
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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16

17 ***E-FILING***

18 HUGO SLUIMER,)	
)	CASE NO. C 081220 SI
19 Plaintiff,)	
)	NOTICE OF MOTION AND MOTION
20 v.)	FOR SUMMARY JUDGMENT, OR
)	ALTERNATIVE FOR PARTIAL
21 VERITY, INC., a corporation, and THE)	SUMMARY JUDGMENT
22 VERITY INC. CHANGE IN CONTROL AND)	
SEVERANCE BENEFIT PLAN,)	Date: July 18, 2008
)	Time: 9:00 a.m.
23 Defendants.)	Ctrm: 10, 19th Floor
)	
24 _____)	The Honorable Susan Illston

25
26 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

27 NOTICE IS HEREBY GIVEN that on July 18, 2008 at 9:00 a.m. in Courtroom 10
28 of the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California, Plaintiff

1 HUGO SLUIMER, will and hereby do move this Court for an Order for Summary Judgment, or in
2 the alternative Partial Summary Judgment, reversing the denial of benefits which is the subject of
3 this lawsuit, removing the Plan Administrator, and awarding statutory damages, attorneys' fees and
4 interest.

5 This Motion for Summary Judgment/Partial Summary Judgment is made on the following
6 grounds:

- 7 (1) Mr. Sluimer is entitled to benefits under the Plan;
- 8 (2) The decision to deny Mr. Sluimer's claim for benefits was incorrect and
9 unreasonable;
- 10 (3) The decision to deny Mr. Sluimer's claim for benefits was not supported by any facts;
- 11 (4) The decision to deny Mr. Sluimer's claim for benefits was made in bad faith, the
12 Dutch Court's findings should have been given collateral estoppel effect;
- 13 (5) The decision to deny Mr. Sluimer's claim for benefits should be overturned because
14 of the wholesale and flagrant violations of the procedural requirements of ERISA;
- 15 (6) The defendants' failure to provide the requested Plan documents and information
16 warrants an award of statutory penalties;
- 17 (7) The defendants' actions in handling the claim was a deliberate breach of their
18 fiduciary duties and warrants the removal and replacement of the Plan Administrator;
- 19 (8) The decision to deny Mr. Sluimer's claim for benefits was not made by the Plan
20 Administrator identified in the Plan, but by an inappropriate self-interested officer
21 of the acquiring company.

22 This motion is based on this Notice of Motion and Motion, the Memorandum of Points and
23 Authorities in support of this motion, the Declarations of Hugo Sluimer, William Reilly and Jacob
24 Van Der Pijl and the Exhibits attached thereto, and on such other and further oral and documentary
25 evidence as may be presented at the hearing of this motion.

26 Respectfully submitted,

27 DATED: June 13, 2008

By:

RIMAC & MARTIN, P.C.
/s/ **WILLIAM REILLY**
WILLIAM REILLY
Attorneys for Plaintiff